

**Meeting:** Planning and Development Committee      **Agenda Item:**

**Date:** 16 December 2019

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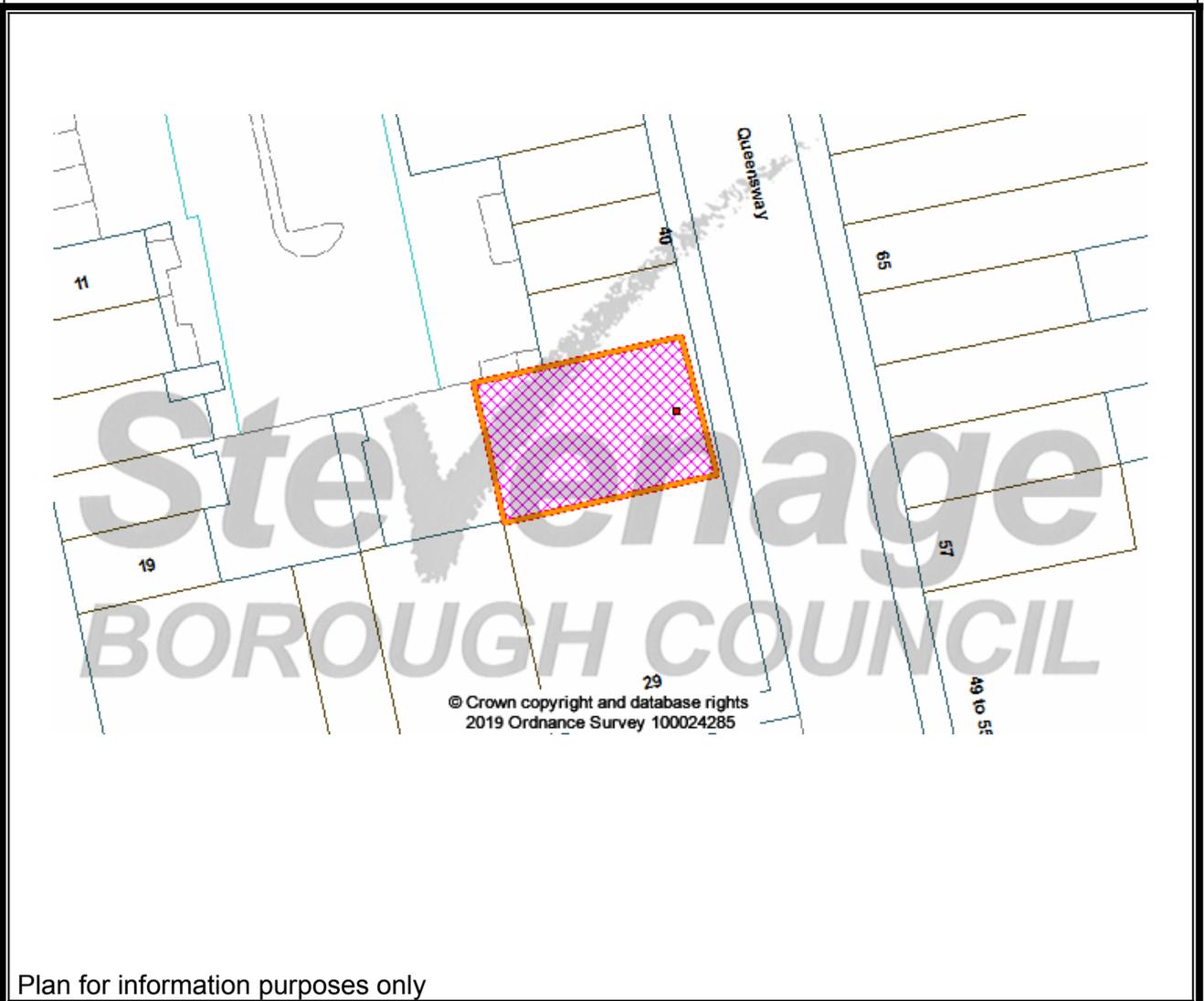
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Application No: 19/00666/FP  
Location: 38B Queensway, Town Centre, Stevenage

Proposal: Subdivision of unit and change of use from retail (use class A1) to betting shop (sui generis).

Drawing Nos.: Site Location Plan; Block Plan.

Applicant: Stevenage Borough Council  
Date Valid: 13 November 2019  
Recommendation: GRANT PLANNING PERMISSION.



## **1. SITE DESCRIPTION**

- 1.1 The application site is located within the pedestrianised Stevenage Town Centre and Town Square Conservation Area. The site comprises part of the former QD building which is located on the corner of Town Square and Queensway. The site comprises a three-storey building with storage and ancillary offices above with shops at ground floor level. The building is constructed from pre-formed concrete with the fenestration at first and second floor level comprising of single-glazed crittall windows. The property comprises a flat roof finished in a felt style membrane along with a timber canopy above the shop fronts. At ground floor level is Starbucks, Warren James, Noodle Stop and Subway which comprise of full height aluminium framed windows with low level stall risers. There are also two units at ground floor level which are vacant, one of which is the application premises.
- 1.2 To the south of the application site is the main Town Square which comprises the Grade II Listed Clock Tower and Surrounding pool. The buildings which the application site forms part of, as well as the building along the Queensway are generally uniform in design, being three-storeys in height with shops at ground floor level with the fenestration at first and second floor level comprising single-glazed crittall windows.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Planning application 16/00271/FP sought permission for a shop fit out including new shopfront and security shutter at 29 Town Square. This application was granted planning permission in June 2016.
- 2.2 Advertisement consent application 16/00272/AD sought permission for the installation of 1no internally illuminated fascia sign and 1no internally illuminated projecting sign at 29 Town Square. Advertisement consent was granted in June 2016.
- 2.3 Advertisement consent application 16/00314/AD sought permission for the installation of 1no internally illuminated fascia sign, 2no internally illuminated hanging signs and 1no internally illuminated projecting sign at 29 Town Square. Advertisement consent was granted in July 2016
- 2.4 Planning application 16/00315/FP sought permission for shop fit out including new shopfront at 29 Town Square. This application was granted planning permission in June 2016.
- 2.5 Planning application 16/00370/FP sought permission for a change of use from Use Class A1 (Shop) to Mixed Use A1/A3 (Coffee Shop) at 29 Town Square. This application was granted planning permission in July 2016.
- 2.6 Planning application 17/00669/FP sought permission for the installation of new shop front at 29 Town Square. This application was granted planning permission in October 2017.
- 2.7 Advertisement consent application 17/00686/AD sought permission for the installation of 2no internally illuminated hanging signs at 29 Town Square. This application was granted advertisement consent in October 2017.
- 2.8 Planning application 18/00048/FP sought retrospective permission for the installation of 4 no. external refrigeration and air conditioning units at 29 Town Square. This application was granted planning permission in April 2018.

- 2.9 Planning application 18/00198/FP sought permission for a change of use from A1 to A3 and new shop front and change of use of public highway to outdoor seating area at 38B Queensway. This application was granted permission in May 2018.
- 2.10 Advertisement consent application 18/00199/AD sought consent for the installation of 2 no. internally illuminated fascia signs and 1 no. internally illuminated projecting sign at 38B Queensway. This application was granted consent in May 2018.

### **3. THE CURRENT APPLICATION**

- 3.1 The current application seeks planning permission for the proposed subdivision of the premises into two units and a change of use of the premises from retail (Use Class A1) to a betting shop (Sui Generis). In regards to any external alterations to the building such as a new shop front, this would require planning permission from the Council. With respect to any advertisements associated with the business, these would also require consent from the Council prior to them being installed.
- 3.2 This application comes before the planning committee for consideration as it was submitted by Stevenage Borough Council.

### **4. PUBLIC REPRESENTATIONS**

- 4.1 This planning application has been publicised by way of a site notice and neighbouring properties have been notified about the application via a letter. At the time of drafting this committee report, no comments or representations had been received.

### **5. CONSULTATIONS**

#### **5.1 Hertfordshire County Council as Highways Authority**

- 5.1.1 The site is in Queensway which is a pedestrianised area which is not maintained by the Highway Authority. Therefore, there are no highways issues with the proposal.

#### **5.2 Council's Environmental Health Section**

- 5.2.1 There are no issues from a commercial perspective. In terms of hours of operation, there are no concerns from licensing.

#### **5.3 Police Crime Prevention Design Officer**

- 5.3.1 There are no concerns with the proposal and do not raise objection to the application.

### **6. RELEVANT PLANNING POLICIES**

#### **6.1 Background to the Development Plan**

- 6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);

- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage Borough Local Plan 2011-2031 (2019) (Adopted Local Plan).

6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.

6.1.3 In considering the policy implications of any development proposal, the Local Planning Authority will assess each case on its individual merits.

## **6.2 Central Government Advice**

6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.

6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.

6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

## **6.3 Adopted Local Plan**

Policy SP1: Presumption in favour of sustainable development;  
 Policy SP2: Sustainable development in Stevenage;  
 Policy SP4: A vital Town Centre;  
 Policy SP6: Sustainable transport;  
 Policy SP8: Good design;  
 Policy SP11: Climate change, flooding and pollution;  
 Policy SP13: The historic environment;  
 Policy TC1: Town Centre;  
 Policy TC8: Town Centre Shopping Area;  
 Policy IT5: Parking and access;  
 Policy GD1: High quality design;  
 Policy NH10: Conservation Areas.

## **6.4 Supplementary Planning Documents**

Parking Provision Supplementary Planning Document January 2012.  
 Stevenage Design Guide Supplementary Planning Document January 2009  
 Town Square Conservation Area Management Plan SPD 2012.

## **7. APPRAISAL**

7.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, design and visual impact on the conservation area, impact upon neighbouring amenities, parking provision and highway implications.

### **7.2 Land Use Policy Considerations**

7.2.1 The application site is identified as falling within the Town Centre in the Stevenage Local Plan 2011 – 2031 (2019) as defined by Policy TC1. Given this, Policy TC8 applies and this policy states that within the Town Centre Shopping Area (TCSA) uses appropriate to a town centre will be permitted at ground floor level, including Use Classes A1, A2, A3, A4, C1, D1 and/or D2. However, under this policy, betting shops do not fall within any of the aforementioned categories as it would be classed as a “Sui Generis” use. Notwithstanding this, this application is dealing with the proposed re-location of an existing betting shop operator. This is considered in more detail in the following sections of this report.

7.2.2 With regards to shopping frontages, the application premises (which was formerly part of 29 Queensway) is defined as a Primary Retail Frontage in the Local Plan (2019) policies map. Therefore, planning permission will be granted only for Use Class A1. Taking this policy into consideration, the proposed use of the premises as a betting shop (Class Sui Generis) is contrary to Policy TC8.

7.2.3 Notwithstanding this, Policy TC8 stipulates that for alternative uses, planning permission would be allowed where the benefits to the overall vitality and viability of the town centre would equal or outweigh those that would be provided by an A1 or A2 use in the equivalent location. This will be considered having regard to whether:-

- The proposal will retain an active frontage;
- The proposal will generate footfall equivalent to, or greater than, an A1 or A2 use in the equivalent location; and
- The unit has been unsuccessfully marketed for A1 or A2 use, or has remained vacant for at least six months.

7.2.4 Looking at active frontages, the premises as it currently stands is boarded up and has remained so for a period of three years. The proposal involves the re-location of the existing betting shop at 25 Town Square to the application premises. This would help to re-activate this part of the frontage which will be achieved once an application is received for a new shop front. In addition, whilst the premises would be subdivided, the remaining 107 sq.m of retail floor space (Use Class A1) would also help to activate this dead frontage space.

7.2.5 In terms of the existing betting shop operator which is currently located at 25 Town Square, this operator is being re-located to the application premises. The reason for the proposed re-location of the operator is because the premises (25 Town Square) will be re-configured in order to create a new lobby entrance (planning permission 19/00063/FPM). This lobby area would serve the proposed offices which are to be located on the upper floors of 21 to 29 Town Square along with the approved gallery space. As such, this application would help to facilitate in essence the wider improvement works to the town square, including 21 to 29 Town Square and the re-location of the existing betting shop is fundamental to this project.

- 7.2.6 In terms of footfall, the proposed development being a betting shop does generate a high level of footfall due to their nature. As such, the footfall generated by the proposal would be equivalent to an A1 or A2 use. Therefore, by re-locating the existing operator, there would be additional footfall on this part of Queensway. In addition, the proposal does seek to retain an element of retail premises which when occupied, would also help to drive up footfall along this stretch of the town centre.
- 7.2.7 Turning to vacancy, the premises along with the other premises which are currently occupied by Subway, Starbucks, Warren James and Noodle Stop, form part of the former department store (QD) which has been subdivided into five units. The premises subject to this application have been vacant for approximately three years. The premises were originally marked by MC retail until February 2019 where Sanderson Weatherall took over marking the premises. The premises over the years has been marked through sales particulars, exposure via websites (including Costar, PIP, Each and Zoopla), direct mailing, telemarketing and marketing boards. The only interest in the premises has been for a café in 2019 and back in 2018, permission was granted for a dessert parlour (Use Class A3) (planning permission 18/00198/FP) which has not been implemented. Therefore, it can be demonstrated that the premises has been actively marketed and has remained vacant for a period more than six months.
- 7.2.8 In summary, whilst the proposal would result in the loss of A1 retail floorspace, it would create an active frontage, have a high footfall and would bring a vacant unit into operation. Therefore, the proposed development would help to support the vitality and viability of the town centre.

### **7.3 Design and visual impact on the conservation area.**

- 7.3.1 In terms of design, Paragraph 127 of the NPPF 2019 stipulates that planning decisions should ensure development functions well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 of the NPPF states that “permission should be refused for development of poor design that fail to make available opportunities for improving the character and quality of an area and the way it functions”.
- 7.3.2 Paragraph 193 of the same document stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Paragraph 195 of the NPPF goes on to state that where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent.
- 7.3.3 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town’s built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

- 7.3.4 Policy NH10 of the same document states that development proposals affecting a conservation area should have regard to the relevant Conservation Area Management Plan SPD. The Town Square Conservation Area Management Plan SPD (2012) sets out that alterations and extensions to a building should not dominate an existing building's scale or alter the composition of its main elevations.
- 7.3.5 This application does not comprise of any external alterations to the existing building. Therefore, the proposed development would not have a negative impact on the historic character of the conservation area or harm the architectural composition of the application building.

#### **7.4 Impact upon Neighbouring Amenity**

- 7.4.1 Policy FP7 of the Local Plan (2019) stipulates that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Taking this policy into consideration, it is considered that noise which is generated by the proposed use could potentially have an impact on the amenity of nearby residential properties. In addition, construction works associated with the proposed development could also have an impact on the amenities of residents. This is because the nearest residential properties are to the south of the application site above the ground floor premises at 32 and 33 Queensway.
- 7.4.2 Given the aforementioned, it is recommended conditions be imposition to restrict the hours of operations (which are similar to the hours of nearby operators) and hours of construction. With these conditions in place, the development should not have a detrimental impact on the amenities of nearby residential properties located along Queensway.

#### **7.5 Parking Provision**

- 7.5.1 Policy IT5 of the adopted Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. The Council's Car Parking Standards SPD (2012) sets out the maximum amount of off-street parking for betting shops. The parking standards sets out that there should be 1 space per 30m<sup>2</sup> of gross floor area. Taking this into consideration, as the premises would have a floor area of 107m<sup>2</sup> there would be a requirement to provide 3.5 parking spaces (rounded up to 4).
- 7.5.2 In terms site accessibility, as the application site is located in non-residential accessibility zone 1, the amount of car parking provision required can be reduced to between 0% to 25% of the maximum number of spaces which are required. Given this, between 0 and 1 space would be required to serve the development in this instance. The proposed development does not seek to provide any additional off-street parking, as is the current situation.
- 7.5.3 Whilst no off-street parking is being provided, the site is in a highly sustainable location with access to public transport due to the proximity of the bus station. In addition, there is access to a number of public car parking areas which can be utilised by staff and patrons of the proposed development. Furthermore, the site is also accessible by foot due to the pedestrianised nature of the town centre. Therefore, notwithstanding the lack of provision off-street parking, the proposed development would be in accordance with the Council's Car Parking Standards SPD (2012) and would not therefore, worsen the existing situation.
- 7.5.4 In terms of cycle parking provision, there is a requirement to provide 1 short term space per 200m<sup>2</sup> of gross floor area, plus 1 long term space per 10 staff. Whilst the level of staff is not known at this time, there are cycle hoops in close proximity to the

site which could be utilised by staff and patrons. In addition, there is the potential for staff to secure bikes to the rear of the building. Therefore, it is considered that there would be sufficient cycle parking provision to serve the development in this instance.

## **7.6 Highway implications**

7.6.1 In regards to the proposed development in terms of its impact on the highway network, as the application site is located within the pedestrianised town centre which is accessed by public transport, the proposal would not affect the trafficked highway in this instance. Given this, Hertfordshire County Council as Highways Authority do not raise any concerns with the proposed development.

## **7.7 Other Matters**

### Crime Prevention/anti-social behaviour/security

7.7.1 In regards to crime prevention and designing out crime, the Police Crime Prevention Design Advisor does not raise any concerns with the proposed development.

## **8. CONCLUSIONS**

8.1 In summary, the principle of the proposed change of use has been established to be acceptable. This is because it would help to create an active frontage, drive up footfall along this stretch of Queensway and bring the premises back into operation having been vacant for more than 6 months. In addition, the proposal, by helping to facilitate the relocation of the existing betting shop, would allow works to commence in creating a new lobby entrance detailed under planning permission 19/00063/FPM.

8.2 The proposed development would not have a detrimental impact on the historic character of the conservation area or affect the character and appearance of the building. Furthermore, the proposal would not harm, subject to conditions, the amenities of nearby residential properties. Moreover, the proposed development does not generate a requirement for off-street and there would be suitable access for cyclists. In addition to this, the proposal would not prejudice the safety and operation of the highway. As such, the proposed development is in accordance with the Policies specified in the adopted Local Plan (2019), the Council's Town Square Conservation Management Plan SPD (2012), the Council's Design Guide SPD (2009), the Council's Car Parking Standards SPD (2012), the NPPF (2019) and PPG (2014).

## **9. RECOMMENDATIONS**

9.1 That planning permission be GRANTED subject to the following conditions:-

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Block Plan; Site Location Plan.

**REASON:-** For the avoidance of doubt and in the interests of proper planning.

2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON:-** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 3 The use hereby permitted shall only take place between the hours 08:00AM to 22:00PM Monday to Sunday, including Bank Holidays and not at any time outside these hours.

**REASON:-** In order to protect the amenities of neighbouring properties and nearby residential properties on Queensway.

- 4 The building works required to implement this permission shall be carried out only between the following times:

0730 to 1800 Mondays to Fridays

0900 to 1300 Saturdays

And not at all on Sundays and Bank Holidays.

The hours specified relate to activities which are audible at the site boundary.

**REASON:-** To satisfactorily protect the residential amenities of nearby occupiers and the operation of adjoining businesses.

**Pro-active statement**

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.